

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF SOUTHERN  
CALIFORNIA,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
JUSTICE; OFFICE OF THE SOLICITOR  
GENERAL; EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW,

Defendants.

Case No. 2:13-cv-04555-ODW(PJWx)

**ORDER GRANTING EX PARTE  
APPLICATION FOR STAY [11] AND  
VACATING SCHEDULING  
CONFERENCE**

On October 1, 2013, Defendants Department of Justice, Office of the Solicitor General, and Executive Office for Immigration Review filed an Ex Parte Application to stay this case until Congress authorizes new appropriations for the Department of Justice. (ECF No. 11.) Until that time, Department of Justice attorneys are not permitted to engage in their normal civil-litigation activities. (Ex Parte Appl. ¶ 2); *see also* 31 U.S.C. § 1342. Department of Justice indicated that Plaintiff's counsel does not oppose a stay for the shorter of one week or the duration of the current shutdown. (Ex Parte Appl. ¶ 5.)

The parties and the Court are stuck between a rock and a hard place. Plaintiff has a right to continue litigating its case. But it is illegal—in fact a crime—for Department of Justice attorneys to violate the Antideficiency Act. *See* 31 U.S.C.

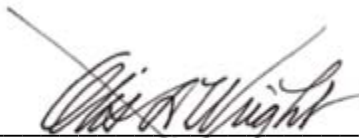
1 § 1350. It would be quite ironic for this Court to deny the Ex Parte Application and  
2 order Defendants' attorneys to subject themselves to criminal penalties.

3 The Court therefore **GRANTS** Defendants' Ex Parte Application. (ECF  
4 No. 11.) The Court **STAYS** this case in its entirety until the Department of Justice  
5 notifies this Court that Congress has authorized appropriations to the Department of  
6 Justice. The Court accordingly **ORDERS** Defendants to submit a joint status report  
7 within 72 hours of Congress restoring their appropriations. In the interim, the Court  
8 will continue to monitor the shutdown and the propriety of this stay.

9 The Court also **VACATES** the October 7, 2013 scheduling conference. The  
10 Court will issue a scheduling-conference order upon vacating the stay.

11 **IT IS SO ORDERED.**

12  
13 October 1, 2013

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16 **OTIS D. WRIGHT, II**  
17 **UNITED STATES DISTRICT JUDGE**  
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